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## **UNITED STATES DISTRICT COURT**

**DISTRICT OF ARIZONA** 

United States of America

### ORDER OF DETENTION PENDING TRIAL

V

	Luis A	Alberto	Maya-Martinez	Case Number:	13-7275M-4
	ordance v		Bail Reform Act, 18 U.S.C. § 314. (Check one or both, as applicable.)	2(f), a detention hearing has been	held. I conclude that the following
	•		nvincing evidence the defendant this case.	is a danger to the community and	require the detention of the defendant
		•	rance of the evidence the defendathis case.	ant is a serious flight risk and requir	e the detention of the defendant
			PART I	FINDINGS OF FACT	
	(1)			ant has been convicted of a (federa ircumstance giving rise to federal ju	I offense)(state or local offense that urisdiction had existed) that is
			a crime of violence as defined in	18 U.S.C. § 3156(a)(4).	
			an offense for which the maximu	um sentence is life imprisonment o	r death.
			an offense for which a maximum	n term of imprisonment of ten years	or more is prescribed in
			a felony that was committed after described in 18 U.S.C. § 3142(f)	er the defendant had been convicte (1)(A)-(C), or comparable state or	d of two or more prior federal offenses local offenses.
			any felony that involves a minor device (as those terms are defin to register under 18 U.S.C. §225	ed in section 921), or any other da	ion or use of a firearm or destructive ngerous weapon, or involves a failure
	(2)	18 U.S pendin	.C. §3142(e)(2)(B): The offense of trial for a federal, state or local of	described in finding 1 was committe offense.	ed while the defendant was on release
	(3)	18 U.S convict	.C. §3142(e)(2)(C): A period of notion)(release of the defendant from	ot more than five years has elapse n imprisonment) for the offense de	d since the (date of scribed in finding 1.
	(4)	will rea	gs Nos. (1), (2) and (3) establish a sonably assure the safety of (an) outted this presumption.	rebuttable presumption that no co other person(s) and the community	ndition or combination of conditions  1. I further find that the defendant has
			Alt	ternative Findings	
	(1)	18 U.S	.C. 3142(e)(3): There is probable	cause to believe that the defenda	nt has committed an offense
			for which a maximum term of im	prisonment of ten years or more is	prescribed in1
			under 18 U.S.C. § 924(c), 956(a	n), or 2332b.	
			under 18 U.S.C. 1581-1594, for prescribed.	which a maximum term of imprisor	nment of 20 years or more is
			an offense involving a minor vict	tim under section	. 2
	(2)	The de	fendant has not rebutted the pres	umption established by finding 1 th	

<sup>&</sup>lt;sup>1</sup>Insert as applicable: (a) Controlled Substances Act (21 U.S.C. § 801 et seq.); (b) Controlled Substances Import and Export Act (21 U.S.C. § 951 et seq.); or (c) Section 1 of Act of Sept. 15, 1980 (21 U.S.C. § 955a).

 $<sup>{}^{2}\</sup>text{Insert as applicable 18 U.S.C. }\S 1201, 1591, 2241-42, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3, 2252(a)(4), 2260, 2421, 2422, 2423, or 2425.$ 

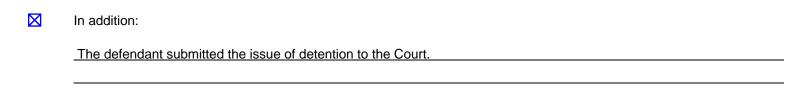
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Alterna		

No condition or combination of conditions will reasonably assure the safety of others and the community. There is a serious risk that the defendant will (obstruct or attempt to obstruct justice) (threaten, injure, or intimidate a prospective witness or juror).					
There is a serious risk that the defendant will (obstruct or attempt to obstruct justice) (threaten, injure, or					
PART II WRITTEN STATEMENT OF REASONS FOR DETENTION (Check one or both, as applicable.)					
I find that the credible testimony and information <sup>3</sup> submitted at the hearing establishes by clear and convincing evidence as to danger that:					
I find that a preponderance of the evidence as to risk of flight that:					
The defendant is not a citizen of the United States.					
The defendant, at the time of the charged offense, was in the United States illegally.  If released herein, the defendant faces deportation proceedings by the Bureau of Immigration and Customs Enforcement, placing him/her beyond the jurisdiction of this Court.					
The defendant has no significant contacts in the United States or in the District of Arizona.					
The defendant has no resources in the United States from which he/she might make a bond reasonably calculated to assure his/her future appearance.					
The defendant has a prior criminal history.					
The defendant lives and works in Mexico.					
The defendant is an amnesty applicant but has no substantial ties in Arizona or in the United States and has substantial family ties to Mexico.					
There is a record of prior failure to appear in court as ordered.					
The defendant attempted to evade law enforcement contact by fleeing from law enforcement.					
The defendant is facing a minimum mandatory of incarceration and a maximum of					
<u> </u>					
defendant does not dispute the information contained in the Pretrial Services Report.					

<sup>&</sup>lt;sup>3</sup>The rules concerning admissibility of evidence in criminal trials do not apply to the presentation and consideration of information at the [detention] hearing. 18 U.S.C. § 3142(f). See 18 U.S.C. § 3142(g) for the factors to be taken into account.

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The Court incorporates by reference the findings of the Pretrial Services Agency which were reviewed by the Court at the time of the hearing in this matter.

#### PART III -- DIRECTIONS REGARDING DETENTION

The defendant is committed to the custody of the Attorney General or his/her designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

#### PART IV -- APPEALS AND THIRD PARTY RELEASE

IT IS ORDERED that should an appeal of this detention order be filed with the District Court, it is counsel's responsibility to deliver a copy of the motion for review/reconsideration to Pretrial Services at least one day prior to the hearing set before the District Court. Pursuant to Rule 59(a), FED.R.CRIM.P., effective December 1, 2009, Defendant shall have fourteen (14) days from the date of service of a copy of this order or after the oral order is stated on the record within which to file specific written objections with the district court. Failure to timely file objections in accordance with Rule 59(a) may waive the right to review. 59(a), FED.R.CRIM.P.

IT IS FURTHER ORDERED that if a release to a third party is to be considered, it is counsel's responsibility to notify Pretrial Services sufficiently in advance of the hearing before the District Court to allow Pretrial Services an opportunity to interview and investigate the potential third party custodian.

DATED this 4<sup>th</sup> day of September, 2013.

Bridget S. Bade

United States Magistrate Judge